

### REMARKS

Initially, Applicant expresses appreciation to the Examiner for the courtesies extended during the recent in person interview, conducted with Applicant's representatives on July 10, 2008. The amendments and remarks made by this paper are consistent with the proposals and amendments presented during the interview.

The Non-Final Office Action, mailed June 11, 2008, considered claims 1-36. Claims 1-36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over "Alien versus Predator 2" ("AVP" hereafter) dated 2001. An old "British Bulldog" tag game was also cited as having limitations that are pertinent to the original claims of the application.

By this paper, claims 2-3, 16, 20-21 & 34 have been cancelled, claims 1, 9, 10, 11, 17, 19, 29, 31 & 35 have been amended and new claims 37-42 have been added, such that claims 1, 4-15, 17-19, 22-33 & 36-41 remain pending, of which, amended claims 1 & 19 are the only independent claims at issue. Support for the claim amendments and the new claims can be found throughout the application including the disclosure found on pages 5, 10 & 12-15 and Figures 4, 7, 10 & 11.

As discussed during the interview, the Examiner will note that independent claim 1 of the original application has been amended to more specifically recite elements of embodiments of the invention. Furthermore, independent claim 19 has been amended such that, by means of a direct reference to claim 1, the claim now recites a computer program product on computer-readable storage media with computer-executable instructions that implements the method of claim 1. The embodiments described in claim 1 and 19 describe a new multiplayer mode in an automobile driving computer game environment. The players of the game are assigned to two teams. One or more players on the first team are represented within the game by automobiles with a first physical appearance, and the players of the second team are represented by automobiles having a second physical appearance that is graphically distinguishable from the appearance of the automobiles of the first team. The one or more players of the first team attempt to catch players of the second team by driving their automobiles into the automobiles of the players of the second team. When a player on the second team is "caught" in this manner, the player is reassigned to the first team and the appearance of the player's automobile is changed to reflect that the player is now on the first team.

It is also noted that the automobiles of the players of the first team have at least the same capabilities and speed as the fastest automobile of the second team. In some embodiments, as recited in claim 40, the capabilities of at least one player on the first team exceeds the speed capabilities of all players on the second team. The game ends when a predetermined event occurs, for example, when all players on the second team have been caught, when the second team has been reduced to a certain number of players, when a predefined time has elapsed, etc.

Applicant respectfully submits that the cited art (AVP and British Bulldog) and other art discussed in the interview, when considered alone or in combination, fail to teach or suggest various aspects of the invention, and particularly as recited within amended independent claims 1 and 19, for at least the reasons discussed below, as well as those discussed during the interview.

AVP discloses a computer game wherein players play as simulated characters that are Aliens, Predators or Humans. AVP includes single-player missions and a variety of multiplayer game modes. In the multiplayer game modes, players, connected through a network, attempt to kill the characters of other players in a graphically simulated environment. Some game modes include goals or objectives related to the killing of the other players' characters. For example, in "Survivor" game mode disclosed in AVP, players either start as Mutants or Survivors. Both Mutants and Survivors may kill each other, but Survivors are scored based on the time they are alive and Mutants are scored based on the number of Survivors they kill. When a Survivor is killed, the player will "respawn" as a Mutant.

On the other hand, the old British Bulldog game that was referenced by the examiner discloses a children's chasing game. In the game, one or two players are chosen as "bulldogs" who stand in the middle of a playing area. The bulldogs attempt to catch the other players while the other players attempt to run from one side of the playing area to the other. Catching may involve "tagging" or holding onto the other players for the count of three. Caught players become bulldogs for the next round. Furthermore, in the course of the interview, the examiner made general references to a similar "campus zombie" game wherein persons make contact with other persons to cause them to become zombies.

During the course of the interview, examiner made specific reference to a published patent, Matsuyama et al. (US Pat. No. 6,494,784) that discloses a driving game machine, wherein one embodiment includes a "tag" game played with cars. In this "tag" embodiment, one car is a chaser and

the chaser attempts to make contact with another car to cause the rival car to become the chaser. The chaser has a time bomb that will explode after a certain amount of time has passed, and this time bomb is transferred to a rival car when the chaser makes contact with the rival car. In addition, the examiner made a general reference to one or more other computer games where a purpose of the game is for a player to crash her automobile into other automobiles that are graphically depicted within the game.

Applicant respectfully submits, however, that the above-cited references, when considered alone or in combination, fail to teach or suggest an automobile driving simulation game wherein players of a first team attempt to drive their cars into cars of players of a second team in order to cause the players of the second team to join the team of the players on the first team. AVP discloses killing other players' characters such that after the other characters die, the characters later "respawn" as a player on the mutant's team. Killing other players is a typical, natural objective (and often the sole objective) of a first person shooter game such as AVP, and "respawning" on another team is merely a different outcome of the primary objective of such a game (killing other players). The "Survivor" type variation on a first person shooter killing game such as AVP is not analogous to the claimed invention, wherein a car is driven into another car.

Driving a car into another car in order to cause the other car to change to your team is not a natural objective of a car racing game; indeed, such an action is entirely unnatural and is different than the type of game play that is generally experienced in automobile driving games.

Although the Examiner referred generally to automobile driving video games where an objective is to crash into other cars, and the Examiner provided a reference to one such game (Matsuyama), these games are not analogous to the present invention. In particular, it will be noted that this game, as well as other similar games require a player to crash a car into another car for the sole purpose of destroying or damaging the other car. In Matsuyama, for example, the objective of crashing into the other player is to transfer a ticking time bomb to the other player to cause the other player's car to be destroyed and to avert destruction of one's own car. While damaging and destroying another player's car is a natural objective of games where a player crashes an automobile into another automobile (and would be the natural objective and result of driving a car into another car in real life), such an action is not analogous to aspects of the present invention, wherein a first player

drives his automobile into a second players automobile to cause the second player to join the first player's time. In this regard, the results of driving a first car into a second car (to cause the second car to join the team of the first car) is entirely unexpected and surprising, particularly in view of the natural consequence to such an action (to damage or destroy the opposing car).

It will also be noted that art describing the underlying intention of damaging or destroying an opposing car or opponent is quite different than the claimed invention, wherein players drive their cars into opposing players to have them join your team, inasmuch as a player would not want to damage or destroy another opponent's car (which would result from practicing the art referenced during the interview (Matsuyama)) if the intention is to have that player join their team in the immediate future. In other words, a damaged or destroyed teammate is not likely going to be a very good teammate.

Moreover, in games such as the cited British Bulldog game, the zombie game discussed with the Examiner in the interview, and other "tag" style games wherein people touch or grab other people, the people playing the game are merely touching each other—a natural part of everyday human interaction. Whereas it is natural for one person to touch or grab another person to retain the other person, to get the other person's attention, to notify the other person that some change of state has occurred, etc.; on the contrary, it is not natural or analogous for people to drive their cars into other cars for any purpose except, in the peculiar instance, for the express purpose of damaging or destroying the other cars.

Accordingly, all of the cited art appears to merely teach or suggest a natural or expected consequence in view of known patterns and behaviors. However, the claimed invention for causing a second car to join a first car on a particular team is not an expected or natural consequence to driving the first car into the second car, particularly since the expected or natural consequence would be for the second car to be damaged or destroyed.

In addition, the above-mentioned prior art, whether considered alone or in combination, fails to teach or suggest the previously described automobile driving simulation game, wherein every automobile of the one or more players on the first team has enhanced capabilities such that they each have at least the same (independent claims) or better (claim 40) speed and capabilities as the fastest and strongest automobile of any player on the second team. For example, a bus on the first team may be given the same speed and capabilities as a sports car on the second team, even though a bus would

not normally be as fast in the game as a sports car. This feature prevents seemingly endless games wherein the players of the second team can merely drive away from the players of the first team to evade being caught. Although the different player types (Alien, Predator, Human) in AVP have distinctive capabilities that may give them an advantage or disadvantage over other players of a different type in a given situation, these differences in capabilities exist irrespective of what objectives the player may have.

In view of the foregoing, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. In fact, many of the dependent claims, including claims that have been amended or added by this paper, serve to further refine the scope of the invention and to highlight some of the features of the invention that are distinctive from the prior art.

For example, new dependent claim 41 recites dynamic changes to various graphically displayed elements of the claimed invention which occur when a player is caught, as seen in Figure 10 and elsewhere throughout the application. For example, and particularly as recited in claim 41, the on-screen displays of the players of the game display the time remaining in the game and a list of status information for the different players of the game. This list of status information is further divided into two listings of player status information which correspond to the two teams. When a first player on the first team catches a player on the second team, the status information of the caught player is moved from the first team listing to the second team listing. In addition, the time that the caught player was on the first team before being caught becomes displayed next to the player's name. Claim 42 also references an embodiment in which a temporary notification is displayed for all of the players and which indicates the name of the caught player, as well as a notification that the player has become a member of the first team.

In further embodiments of the claimed invention, as described in dependent claims 9 and 27, a directional arrow is displayed on a player's display screen within the simulated driving environment. The directional arrow continuously points in the direction of the closest player on the opposing team. This allows the player to find or avoid players of the opposing team in order to accomplish the

objectives of the game more quickly. AVP discloses various predator "vision modes" and an alien "hunt mode" which allow for easier identification of players on the opposing team by changing a player's view perspective to highlight other players that are within the player's field of view. However, AVP fails to teach or suggest a means by which the location of the closest player of another team, including a player that is potentially off-screen, is continuously identified by a graphical display of a directional arrow and particularly in combination with other aspects of the claimed invention.

In claims 10 and 28, map data is displayed in an on-screen map which indicates to players on the first team the position of remaining players on the second team. A further embodiment is described in new claims 37 and 38, wherein players on the second team also have on-screen maps which indicate the locations of their teammates and which may flash the position of the players on the first team at periodic intervals. The cited references do not teach or discuss the mapping mechanisms of the claimed invention, particularly in combination with other unique aspects of the invention as set forth in the independent and dependent claims.

It will be appreciated that nothing in this paper should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.<sup>[1]</sup>

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<sup>[1]</sup> Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 29 day of July, 2008.

Respectfully submitted,



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